

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/500,586 Confirmation No.: 7698
Applicant(s): Kim et al.
Filed: 09/09/2004
Art Unit: 1645
Examiner: Rodney P. Swartz
Title: PRIMERS FOR AMPLIFYING HSP 65 GENE OF MYCOBACTERIAL SPECIES HSP65 GENE FRAGMENTS AND METHOD OF IDENTIFYING MYCOBACTERIAL SPECIES WITH SAME

Customer No.: 00826

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 43.31)**

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated June 23, 2009, rejecting the following Claims 5 and 8-15. The fee for this Notice of Appeal under 37 CFR § 41.20(b)(1) is enclosed.

- ☐ Applicant claims small entity Status.
- ☐ A check is enclosed. (\$540.00 for large entity fee or \$270.00 if small entity status)
- ☒ Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.
- ☒ Any additional fee or refund may be charged to our Deposit Account No. 16-0605.
- ☒ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

Respectfully submitted,

/ John E. Johnson, III /

John E. Johnson, III
Registration No. 58,367

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

LEGAL02/31686723v1
ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON DECEMBER 23, 2009.